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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/11/2006

GERALD B ROSENBERG

NEW TECH LAW

260 SHERIDAN AVENUE

SUITE 208

PALO ALTO, CA 94306-2009

EXAMINER

POLTORAK, PIOTR

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/020,554	PHAM ET AL.	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 22-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/19/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 11-21 have been examined.

Claim Objections

2. Claim 11 is objected to because of the inconsistency in recitation of the terms.

The phrase: "a media data portion" in claim 11 is followed by "said data media portion".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.
4. The phrase: "wherein said data media portion is media-level data provided for storage on a storage device coupled to said storage network" is not clear and for purposes of further examination the phrase is treated as best understood.
5. In claim 16 the "the proxy transport" and "said network media access controller" lack antecedent basis.
6. Also, claim 16 recites: "wherein each said data packet processor is operative to terminate respective client network connections routed to said plurality of

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data packet processor". Connections are commonly established to route data. However, it is not clear how network connections can be routed.

7. Additionally, claim 16 comprises the phrase: "data contained within data transfer requests and responses as transported from said client network connections to said storage network connections". However, the specification seems to suggest that the direction of the responses is from the storage network to the client network. Clarification of the intended meaning is required.

8. Claims 17-21 are rejected by virtue of their dependence.

Appropriate correction is required.

Claim Rejections - 35 USC § 102 or 103

9. Claims 11 is rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cunchon (U.S. Pub. No. 20020162024).
10. As per claims 11, Cunchon discloses a data packet processor (object 9), including an encryption engine operative to selectively encrypt a media data portion of network data packets provided to said data packet processor ([44-49]). Furthermore, Cunchon discloses a network interface processor (as illustrated by CR of object 9) coupleable to a client network (object 10) and a storage network (object 11) and coupled to said data packet processor to transfer network data packets (Fig. 1 and [1-2]). In Cunchon's disclosure it is clear that said network interface processor is operative to associate a

persistent network data route between said client and storage networks through said data packet processor such that network data packets associated with said persistent network data route are selectively passed to and from said data packet processor by said network interface processor, wherein said data media portion is media-level data ([44-49]).

11. Although Cunchon does not explicitly recite that data is provided for storage on a storage device coupled to said storage network the limitation is at least implicit if not inherent. As disclosed in [1-2] Cunchon's invention is relevant to and in fact attempts to address limitation of various client communications, e.g. email. Thus, even if Cunchon's invention was not intended to provide data for storage on a storage device this would have been obvious to one of ordinary skill in the art at the time of applicant's invention given the benefit of extending Cunchon's invention to various, application of client/storage networks communications as evidenced by such application's commercial success.

12. As discussed above, Cunchon's data packet processor provides for the proxy transport of data transfer requests and responses between client and storage network connections, wherein the data packet processor includes an encryption engine operative to selectively encrypt media-level data contained within data transfer requests and responses as transported from the client network connections to the storage network connections (Fig. 1 and [44-49]). Also, [44-49] discloses that the data packet processor is operative to establish and terminate respective client network connections routed to the data packet

processor. Furthermore, Fig. 1 discloses a first network interface processor coupleable to a client network and a second network interface processor coupleable to a data storage network.

Claim Rejections - 35 USC § 103

13. Claims 12-13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunchon (U.S. Pub. No. 20020162024) in view of Badamo (U.S. Pub. No. 20020184487) in light of Stallings (William Stallings, "Cryptography and network security", 2th edition, 1998, ISBN: 0138690170)..
14. As per claims 12-13 and 16 Cunchon disclose the system comprising a data packet processor as discussed above.
- However, Cunchon does not explicitly disclose implementation of a plurality of data packet processors.
15. Badamo (U.S. Pub. No. 20020184487) discloses a plurality of data packet (an array of) processors (Badamo, Fig. 3, [26], [55-57]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement a plurality of data packet in encryption process as disclosed by Badamo. One of ordinary skill in the art would have been motivated to implement a plurality of data packet to increase efficiency of the encryption process.
16. As per claim 17 a data switch (Badamo, Fig. 3, object 20) connects network interfaces with the data packet processors.
17. As per claims 14-15 Cunchon in view of Badamo disclose a plurality of data packet processors as discussed above. Also, Cunchon clearly discloses that

a header portion of a received network packet identifies the data storage resource that results in encryption of the media data portion sent to the data storage resource [39-49]. Furthermore, Cunchon suggest implementation of SSL [44].

18. Cunchon in view of Badamo do not explicitly disclose that data packet processor is responsive to a header portion of a predetermined network data packet to select an encryption key for use in encrypting the media data portion of the predetermined network data packet and to an identification of a data storage resource provided by the predetermined network data packet to select the encryption key.

19. Stallings discloses details of SSL wherein Stallings teaches that SSL involves packet exchange that establishes a session key for a secure session (Stallings pg. 450-455). Since in Cunchon's invention the portal device acts as a proxy between a client and a storage device and is established between, implementing SSL between the proxy and the storage network would meet the limitation of data packet processor is responsive to a header portion of a predetermined network data packet to select an encryption key for use in encrypting the media data portion of the predetermined network data packet and to an identification of a data storage resource provided by the predetermined network data packet to select the encryption key.

20. As per claim 18 Cunchon in view of Badamo also do not disclose a data store accessing by the plurality of data packet processor. However, SSL uses keys to establish session keys that are used through out the length of sessions.

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Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a data store accessible by the plurality of data packet processors given the benefit of storing an accessible encryption keys used in the encryption process.

Conclusion

Neither Cunchon nor Badamo and Stallings teach limitations of claims 19-21. However, claims 19-21 are rejected under 35 USC § 112 second paragraph.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bartholet (U.S. Pub. No. 200201114453),

Obara (U.S. Pub. No. 20030037247),

Frrred (U. S. Pub. No. 200310014628).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571)272-

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6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


8/7/06


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